



*D. Haynes*  
#17  
9.15.03

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
**Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

Application Number	09/800,689
Filing Date	March 7, 2001
First Named Inventor	Towne
Art Unit	1743
Examiner Name	M. Wallenhorst
Attorney Docket Number	98-541-K
Confirmation Number	5052

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TC 1700

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

**1. Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_.  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.  
iii. ☐ Other: \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other: Response to the Office Action  
mailed January 2, 2003

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☒ Other: copy of the Consent of the Assignee Pursuant to 37 C.F.R. § 1.48(a)(5); Petition for an Extension of Time

**3. Fees**

(The RCE fee under 37 CFR 1.17(e) is required by 1.114 when the RCE is filed.)

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 13-2490.
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other: The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.
- b. ☒ Checks in the amount of \$ 750.00 and \$ 930.00 are enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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750.00 DP

**Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**STATEMENT OF EXPRESS MAILING**

Pursuant to 37 CFR 1.10, the undersigned states that this transmittal letter and the other documents identified above are being deposited with the United States Postal Service as Express Mail Post Office to Addressee (Express Mail No. EV 333560289 US) in an envelope with sufficient postage addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date shown below.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Mark L. Chael, J.D., Ph.D.	Registration Number (Attorney/Agent)	44,601
Signature	<i>Mark L. Chael</i>	Date	July 2, 2003



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D. Lawrence  
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7.15.03  
PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

(Atty. Docket No.: 98-541-K)

First Named Inventor: Towne )

Application No.: 09/800,689 )

Filing Date: March 7, 2001 )

Title: Automated Immunohistochemical  
and *in situ* Hybridization Assay  
Formulations )

Examiner: M. Wallenhorst

Group Art Unit: 1743

Confirmation No.: 5052

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**RESPONSE TO THE OFFICE ACTION MAILED JANUARY 2, 2003**

Commissioner:

In response to the Office Action mailed January 2, 2003, the applicants respectfully request entry of the amendments and consideration of the remarks that follow. Accompanying this Response is a Request for Continued Examination and the appropriate fee. A consent of the assignee pursuant to 37 C.F.R. § 1.48(a)(5) also accompanies this Response. Lastly, a Petition for an Extension of Time and fee are enclosed.

The applicants will be filing a request to correct the inventorship of the present patent application under 37 C.F.R. §1.48(a), as well as the required documentation to support the request. However, such documentation is unavailable at present.

The applicants believe that no additional fees are due; however, should this belief be in error, the Commissioner is authorized to debit any fees underpaid or credit any fees overpaid to Deposit Account No. 13-2940.